

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 14-54—sHB 5044
Environment Committee

**AN ACT CONCERNING THE LIABILITY OF OWNERS AND KEEPERS
OF DOMESTICATED HORSES, PONIES, DONKEYS AND MULES**

SUMMARY: This act bars a court, in a civil action against the owner or keeper of a horse, pony, donkey, or mule for damages from a personal injury the animal allegedly caused, from finding that the animal belongs to a species with a natural propensity to be mischievous or vicious.

The act also creates a presumption in such civil actions that the individual animal did not have a propensity for behavior that would foreseeably cause human injury. This presumption is rebuttable by evidence that the animal's past behavior alerted the owner or keeper to its propensity to engage in the behavior that allegedly caused the injury in question.

The act also codifies the common law principle that the owner of a horse, pony, donkey, or mule cannot be held strictly liable for personal injuries allegedly caused by the animal.

EFFECTIVE DATE: Upon passage

BACKGROUND

Related Case

In a civil negligence action brought on behalf of a child who was bitten by a horse, the state Supreme Court ruled that a domestic animal's owner or keeper "has a duty to take reasonable steps to prevent the animal from causing injuries that are foreseeable because [it] belongs to a class of animals...naturally inclined to cause such injuries." The court said that this applies whether or not the animal previously caused an injury.

The court returned the case to the trial court for further proceedings on whether it was foreseeable that the horse would bite the child because horses are a species naturally inclined to bite (*Vendrella v. Astriab Family Ltd. Partnership*, 311 Conn. 301 (2014)).

Foreseeability

In the same case described above, the court stated that an injury is foreseeable when an ordinary person in the same position as the defendant, knowing what the defendant knew or should have known, would anticipate that harm of the general nature suffered would likely occur. When determining if an injury caused by a domestic animal was foreseeable, courts may consider the (1) natural propensity of the class of animal involved, (2) animal's previous behavior and owner's knowledge of it, (3) circumstances giving rise to the harm, and (4) actual harm

caused (*Id.* at 331).

Strict Liability

Strict liability holds a defendant in a personal injury suit responsible for the injuries involved without requiring the plaintiff to prove the defendant's conduct was negligent.

OLR Tracking: TB/KLM:CR:JKL:ts